S. 1578

At the request of Mr. DORGAN, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Louisiana (Mr. BREAUX) were added as cosponsors of S. 1578, a bill to preserve the continued viability of the United States travel industry.

S. 1617

At the request of Mrs. CLINTON, her name was added as a cosponsor of S. 1617, a bill to amend the Workforce Investment Act of 1998 to increase the hiring of firefighters, and for other purposes.

S. 1655

At the request of Mr. BIDEN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 1655, a bill to amend title 18, United States Code, to prohibit certain interstate conduct relating to exotic animals.

S. 1678

At the request of Mr. MCCAIN, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1678, a bill to amend the Internal Revenue Code of 1986 to provide that a member of the uniformed services or the Foreign Service shall be treated as using a principal residence while away from home on qualified official extended duty in determining the exclusion of gain from the sale of such residence.

S. 1680

At the request of Mr. WELLSTONE, the names of the Senator from Vermont (Mr. LEAHY) and the Senator from New Hampshire (Mr. GREGG) were added as cosponsors of S. 1680, a bill to amend the Soldiers' and Sailors' Civil Relief Act of 1940 to provide that duty of the National Guard mobilized by a State in support of Operation Enduring Freedom or otherwise at the request of the President shall qualify as military service under that Act.

S. 1707

At the request of Mr. SMITH of New Hampshire, his name was added as a cosponsor of S. 1707, a bill to amend title XVIII of the Social Security Act to specify the update for payments under the medicare physician fee schedule for 2002 and to direct the Medicare Payment Advisory Commission to conduct a study on replacing the use of the sustainable growth rate as a factor in determining such update in subsequent years.

At the request of Mr. JEFFORDS, the names of the Senator from Maryland (Ms. MIKULSKI), the Senator from Ohio (Mr. VOINOVICH), and the Senator from New Jersey (Mr. CORZINE) were added as cosponsors of S. 1707, supra.

S. 1717

At the request of Mr. DOMENICI, the names of the Senator from New Jersey (Mr. CORZINE) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 1717, a bill to provide for a payroll tax holiday.

S. 1745

At the request of Mrs. LINCOLN, the names of the Senator from Minnesota (Mr. WELLSTONE) and the Senator from Georgia (Mr. MILLER) were added as cosponsors of S. 1745, a bill to delay until at least January 1, 2003, any changes in medicaid regulations that modify the medicaid upper payment limit for non-State Government-owned or operated hospitals.

S. RES. 109

At the request of Mr. REID, the names of the Senator from Virginia (Mr. ALLEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Oklahoma (Mr. INHOFE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. TORRICELLI), and the Senator from Ohio (Mr. VOINOVICH) were added as cosponsors of S .Res. 109, a resolution designating the second Sunday in the month of December as ''National Children's Memorial Day'' and the last Friday in the month of April as ''Children's Memorial Flag Day.''

S. RES. 185

At the request of Mr. ALLEN, the name of the Senator from New Hampshire (Mr. SMITH) was added as a cosponsor of S. Res. 185, a resolution recognizing the historical significance of the 100th anniversary of Korean immigration to the United States.

AMENDMENT NO. 2157

At the request of Mr. MCCAIN, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of amendment No. 2157 intended to be proposed to H.R. 3090, a bill to provide tax incentives for economic recovery.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. GRAHAM (for himself and Mrs. LINCOLN):

S. 1755. A bill to amend the Internal Revenue Code of 1986 to provide a special rule for members of the uniformed services and Foreign Service, and other employees, in determining the exclusion of gain from the sale of a principal residence; to the Committee on Finance.

Mr. GRAHAM. Mr. President, I along with Senator LINCOLN am proud to sponsor this bill to allow members of the military service, Foreign Service, and employees serving on assignment abroad to qualify for the same tax relief on the profit generated when they sell their main residence as other Americans. This bill does not create a new tax benefit, it merely modifies current law to exclude the time living abroad when calculating the number of years the homeowner has lived in their primary residence. This bill will treat members of the military, foreign service officers and civilians living abroad fairly, by treating them like all other Americans.

The Taxpayer Relief Act of 1997 gives taxpayers who sell their principal residence a much-needed tax break. Prior to the 1997 act, taxpayers received a one-time exclusion on the profit they made when they sold their principal residence, but the taxpayer had to be at least 55 years old and live in the residence for two of the five years preceding the sale. This provision primarily benefited older Americans, while not providing any relief to younger taxpayers and their families.

The 1997 act corrected this flaw. Now, a taxpayer who sells his or her principal residence is not taxed on the first $250,000 of profit from the sale. Joint files are not taxed on the first $500,000 of profit they make from selling their principal residence. The taxpayer must meet two requirements to qualify for this tax relief: One, they must own the home for at least two of the five years preceding the sale; and two, they must live in the home as their main home for at least two of the last five years.

Unfortunately, the second part of this eligibility text unintentionally and unfairly prohibits men and women in the Armed Forces, Foreign Service, and U.S. employees working abroad from qualifying for this beneficial tax relief. This was not the intent of the 1997 Taxpayer Relief Act of 1997.

This bill remedies the inequality in the 1997 law. The bill amends the Internal Revenue Code so that military members, Foreign Service members, and U.S. employees working abroad are not penalized by suspending the five-year determination period. The member is still required to own and live in the home for at least two years. This change was previously passed by Congress as part of the 1999 Taxpayer Relief and Refund Act, which was vetoed by President Clinton for unrelated reasons.

The 1997 home sale provision unintentionally discourages home ownership for U.S. members serving abroad which is bad fiscal policy. Home ownership has numerous benefits for communities and individual homeowners. Owning a home provides Americans with a sense of community and adds stability to our nation's neighborhoods. Home ownership also generated valuable property taxes for our nation's communities.

We cannot afford to discourage U.S. citizens from working and living abroad by penalizing them with higher taxes merely because they are doing their job. Enacting this remedy will grant equal and fair tax relief to those U.S. citizens working abroad.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1755

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL RULE FOR MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE, AND OTHER EMPLOYEES, IN DETERMINING EXCLUSION OF GAIN FROM SALE OF PRINCIPAL RESIDENCE.

(a) IN GENERAL.—Subsection (d) of section 121 of the Internal Revenue Code of 1986 (relating to exclusion of gain from sale of principal residence) is amended by adding at the end the following new paragraphs:

''(9) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—

''(A) IN GENERAL.—The running of the 5-year period described in subsection (a) shall be suspended with respect to an individual during any time that such individual or such individual's spouse is serving on qualified official extended duty as a member of the uniformed services or of the Foreign Service.

''(B) QUALIFIED OFFICIAL EXTENDED DUTY.—For purposes of this paragraph—

''(i) IN GENERAL.—The term 'qualified official extended duty' means any period of extended duty as a member of the uniformed services or a member of the Foreign Service during which the member serves at a duty station which is at least 50 miles from such property or is under Government orders to reside in Government quarters.

''(ii) UNIFORMED SERVICES.—The term 'uniformed services' has the meaning given such term by section 101(a)(5) of title 10, United States Code, as in effect on the date of the enactment of this paragraph.

''(iii) FOREIGN SERVICE OF THE UNITED STATES.—The term 'member of the Foreign Service' has the meaning given the term 'member of the Service' by paragraph (1), (2), (3), (4), or (5) of section 103 of the Foreign Service Act of 1980, as in effect on the date of the enactment of this paragraph.

''(iv) EXTENDED DUTY.—The term 'extended duty' means any period of active duty pursuant to a call or order to such duty for a period in excess of 90 days or for an indefinite period.

''(10) OTHER EMPLOYEES.—

''(A) IN GENERAL.—The running of the 5-year period described in subsection (a) shall be suspended with respect to an individual during any time that such individual or such individual's spouse is serving as an employee for a period in excess of 90 days in an assignment by such employee's employer outside the United States.

''(B) LIMITATIONS AND SPECIAL RULES.—

''(i) MAXIMUM PERIOD OF SUSPENSION.—The suspension under subparagraph (A) with respect to a principal residence shall not exceed (in the aggregate) 5 years.

''(ii) MEMBERS OF UNIFORMED SERVICES AND FOREIGN SERVICE.—Subparagraph (A) shall not apply to an individual to whom paragraph (9) applies.

''(iii) SELF-EMPLOYED INDIVIDUAL NOT CONSIDERED AN EMPLOYEE.—For purposes of this paragraph, the term 'employee' does not include an individual who is an employee within the meaning of section 401(c)(1) (relating to self-employed individuals).''.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales and exchanges after the date of the enactment of this Act.

By Mr. CRAIG:

S. 1757. A bill to authorize an additional permanent judgeship in the district of Idaho, and for other purposes; to the Committee on the Judiciary.

Mr. CRAIG. Mr. President, I rise to introduce legislation, on behalf of myself and my fellow Idaho Senator, MIKE CRAPO, creating a new Federal judgeship for the State of Idaho. This is a matter of great urgency to the citizens of Idaho, and our bill is aimed at heading off a looming crisis for the Federal bench in our State.

Idaho has two Federal district judgeships, created in 1890 and 1954. It is one of only three States in the Union with two Federal District judgeships. Because of he State's sheer size, its extraordinary increase in population, and tremendous growth in caseload over nearly five decades, the current situation is becoming increasingly unworkable.

For that reason, Senator CRAPO and I are seeking an additional judgeship to ensure that there are adequate resources for the administration if justice in our State. I am gratified to note that we have the strong support of Idaho's sitting Federal judges in this effort.

Let me take a moment to explain my State's problem in greater detail. Idaho has three distinct and widely distant geographical areas: the Southeast, the Southwest, and the North. A district judge must travel up to 450 miles between division offices. This distance is greater than that traveled in other rural district courts, including those Montana, Wyoming, North Dakota, South Dakota, or eastern Washington. In fact, only a district judge in Alaska has a greater distance to travel, when comparing these rural district courts.

The sheer size of Idaho, the geographical barriers, and the distribution of population make it a time-consuming, expensive and physically draining process for two judges to serve the entire State. As our current Chief District Judge B. Lynn Winmill has pointed out, if there is a trial in southwest Idaho and a trial in southeast Idaho, ''there is no district judge to serve the needs of northern Idaho.'' In addition, as Judge Winmill has stated, the ''mountainous terrain and two-land highway system in northern Idaho make [that] area particularly difficult to serve.''

Some Federal districts have the advantage of being able to call upon senior judges to help out by taking half-caseloads. Idaho has no senior judges and therefore does not have the flexibility that other districts have in relation to managing cases. Consequently, for example, when district Judge Edward J. Lodge was involved in a 6-month trial on a complex matter, Idaho was forced to request that the Ninth Circuit Judicial Council authorize the use of judges from the Eastern District of Washington. These judges assisted our district by handling close to 50 cases in the last year. While this action may have eased Idaho's crisis temporarily, it cannot reasonably be considered an acceptable permanent solution to borrow judges from another state and district.

The population of Idaho has increased 28.5 percent in the past decade, giving Idaho the third fastest-growing population in the country. In the past year alone, Idaho was the fifth fastest-growing State in the Nation. Population growth is traditionally a controlling factor in increasing a district's judgeships, and yet Idaho has not gained a judge in nearly half a century.

The District of Idaho's caseload continues to grow. During the 12-month period ending September 30, 2000, the District of Idaho's civil filings increased 26.9 percent, ranking second in the country in the percentage increase. Our district also ranks 25th in the Nation in the number of trials completed. The gap between the number of new civil filings and the number completed is spreading ever wider, and is already a broad chasm into which too many cases are already dropping.

There are currently 23 assistant U.S. attorneys in Idaho, which is more than Montana, Wyoming, Alaska, North Dakota, South Dakota, and eastern Washington. With filings for the period ending September 30, 2000 weighted at 447 cases per judge, this number exceeds the 430 which the Judicial Conference uses to indicate the need for additional judgeships. Combining this excess number of cases with the travel distances in Idaho makes the caseload even more burdensome for Idaho's two judges.

Additionally, according to Idaho's new U.S. Attorney Tom Moss, there has been an increase in criminal cases initiated, and he is expecting the ''caseloads to increase significantly,'' especially in Idaho's five Indian reservations.

Although this bill is being introduced late in the year, the effort to secure an additional judgeship has been underway for many months. We have had member-to-member and staff-to-staff discussions with the Senate Judiciary Committee about including an additional judgeship for Idaho in any legislation that the committee considers, creating new judgeships. Indeed, Idaho's chief district judge even traveled to Washington, DC, to visit personally with members of the committee and make the case for a new Idaho district judgeship.

I greatly appreciate the advice that we have received in this effort from Chairman LEAHY, Senator HATCH, and their staff, as well as other Judiciary Committee members, and it is because they suggested it that we are taking the step of filing this very simple bill, to put the issue formally before the Judiciary Committee and the Senate.

There should not be a waiting list for people to obtain justice in our courts,

but there is in Idaho. This will continue to be the case until relief arrives in the form of a third judge. I hope the Senate will support this measure and protect the interests of justice in the State of Idaho.

By Mrs. FEINSTEIN (for herself, Mr. KENNEDY, Mrs. BOXER, Mr. MILLER, Mr. CORZINE, Mr. DURBIN, and Mrs. CLINTON):

S. 1758. A bill to prohibit human cloning while preserving important areas of medical research, including stem cell research; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, today Senators KENNEDY, BOXER, MILLER, CORZINE, DURBIN, CLINTON, and I are introducing legislation to make the cloning of a human being a crime. Unlike other bills, our bill would not criminalize cloning that could provide treatments for diseases, known as therapeutic cloning.

On November 25, scientists at Advanced Cell Technology, a Massachusetts biotechnology firm, announced that they had created the first human embryos ever produced by cloning. I believe that this announcement raises serious concerns and we are proposing a bill to address this development.

The bill we introduce today would: 1. permanently ban human reproductive cloning, the cloning of a human being; and 2. allow therapeutic cloning, that is, allow the use of somatic cell nuclear transfer or other cloning technologies to create stem cells for treating diseases.

I support a ban on the cloning of human beings because I believe it is scientifically unsafe, morally unacceptable, and ethically flawed.

Our bill would allow cloning for therapeutic or treatment purposes. It would not allow cloning for reproductive purposes, for creating a human being. Specifically, it prohibits the implantation of the product of nuclear transplantation into a uterus. Nuclear transplantation is also known as somatic cell nuclear transfer.

There is broad agreement in the public, in the Congress, in the scientific community, in the medical community, and in the religious community that the cloning of a human being should be prohibited. This bill does just that.

The view that we should not clone human beings is held by many groups and authorities, including the National Bioethics Advisory Commission, NBAC, which concluded that it is unacceptable for anyone in the public or private sector to create a child using somatic cell nuclear transfer technology. The Commission said,

At this time, it is morally unacceptable for anyone in the public or private sector, whether in a research or clinical setting, to attempt to create a child using somatic cell nuclear transfer cloning.

The difference between our bill and several others including H.R. 2505, the bill passed by the House of Representatives is whether the bills protect valuable medical research that some day could provide cures for many dreaded diseases, diseases like cancer, diabetes, cystic fibrosis, and heart disease; and conditions like spinal cord injury, liver damage, arthritis, and burns. This research may some day develop replacement cells and tissues to restore bodily function and treat diseases. Therapeutic cloning is particularly promising because the rejection of implanted tissues is less likely since the tissues would exactly match those of the person who donated the somatic cell nucleus.

To criminally prohibit this kind of research would be a big setback for science. Here's what some of the experts say about the promise of therapeutic cloning: The Association of American Medical Colleges:

Therapeutic cloning technology could provide an invaluable approach to studying how cells become specialized, which in turn could provide new understanding of the mechanisms that lead to the development of the abnormal cells responsible for cancers and certain birth defects. Improved understanding of cell specialization may also provide answers to how cells age or are regulated—leading to new insights into the treatment of cure of Alzheimer's and Parkinson's diseases, or other incapacitating degenerative diseases of the brain and spinal cord. The technology might also help us understand how to activate certain genes to permit the creation of customized cells for transplantation or grafting. Such cells would be genetically identical to the cells of the donor and could therefore be transplanted into that donor without fear of immune rejection, the major biological barrier to organ and tissue transplantation at this time.

The Society for Women's Health Research wrote me on November 28:

Barring all therapeutic cloning would more likely drive research underground and guarantee that only the most unscrupulous would advance these technologies.

The National Health Council said:

Making reproductive human cloning unlawful must be done in a way that does not deprive those suffering from debilitating chronic diseases, potential relief and possible cures.

The Alliance for Aging Research wrote on November 28,

Scientists who utilized therapeutic cloning techniques in the conduct of important scientific research would be labeled as criminals. The consequence would be that important research, research intended to save lives and reduce suffering of tens of millions Americans, would be stopped in its tracks.

The American College of Obstetricians and Gynecologists wrote on November 1, 2001:

Therapeutic cloning may hold the key for repairing or creating new tissues or organs that could alleviate myriad medical conditions: diabetes, heart disease, spinal cord injury and Parkinson's, to name just a few. This technology is key to the ability to create ''customized tissues'' using a patient's own DNA to avoid rejection problems, and at this time, appears promising.

Other bills would make it a crime to clone cells that are used for therapeutic purposes that some day will save lives and suffering. I cannot support that approach, to criminalize legitimate medical research that could some day treat diseases and save human lives. That would be very shortsighted.

In summary, I believe that the cloning of human beings is wrong and should be outlawed. I believe that therapeutic cloning holds great medical promise and should not be prohibited. This bill will make it a crime to create human beings, but protect important scientific research that can save human lives and relieve human suffering.

I urge my colleagues to support this bill.

Mr. President, I ask unanimous consent that a summary of the bill be printed in the RECORD.

There being no objection, the summary was ordered printed in the RECORD.

SUMMARY OF THE HUMAN CLONING PROHIBITION ACT OF 2001

Findings: Cites findings by the National Bioethics Advisory Commission and other respected bodies, which have recommended that Congress enact legislation prohibiting anyone from conducting or attempting human cloning but not unduly interfering with important areas of research, such as somatic cell nuclear transfer or nuclear transplantation.

Prohibitions: Makes it unlawful for any person: To conduct or attempt to conduct human cloning; to ship the product of nuclear transplantation in interstate or foreign commerce for the purpose of human cloning; or to use federal funds for these activities.

Definitions: ''Human cloning'' is asexual reproduction by implanting or attempting to implant the product of nuclear transplantation into a uterus.

''Nuclear transplantation'' is transferring the nucleus of a human somatic (body) cell into an oocyte (egg) from which the nucleus or all chromosomes have been or will be removed or rendered inert.

Penalties: Makes violators liable for a criminal fine and/or up to 10 years in prison as well as a civil penalty of $1,000,000 or three times the gross profits resulting from the violation, whichever is greater.

Protection of Medical Research: Clarifies that the bill does not restrict therapeutic cloning, stem cell research or other forms of biomedical research such as gene therapy.

Ethics Requirements: Applies to nuclear transplantation research the ethics requirements currently used by the National Institutes of Health. These include informed consent, an ethics board review, and protections for the safety and privacy of research participants. Imposes a $250,000 civil penalty for violation of the ethics requirements.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2214. Mr. KYL submitted an amendment intended to be proposed to amendment SA 2171 submitted by Mr. LOTT and intended to be proposed to the amendment SA 2170 proposed by Mr. DASCHLE to the bill (H.R. 10) to provide for pension reform, and for other